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MARY
MCGRORY

Thornburgh Retreats On Messy Inslaw Case

WASHINGTON

Attorney General Dick Thornburgh has made his peace with Jack Brooks, the formidable Texan who heads the House Judiciary Committee. An accord whereby Brooks gets to see Justice Department documents that have been withheld for years in the Inslaw case was announced April 26. Washington immediately leapt to the conclusion that Thornburgh, the former governor of Pennsylvania, is running for the Senate, to fill the seat left vacant by the death of Sen. John Heinz.

Thornburgh fed speculation by declaring he was "considering it." His aides insist his decision to give way on the question of the Inslaw documents was made months ago. Still, the timing seems like the act of a man who is trying to tie up a few loose ends before taking the plunge.

Is the White House unhappy to be losing a Cabinet officer? Apparently not, though Thornburgh's relations with the White House have improved after a bumpy start. His choice of Bob Fiske of the American Bar Association as his deputy irked conservatives — Fiske had failed to deliver a unanimous ABA committee vote for the nomination of Robert Bork. Thornburgh withdrew Fiske. Since those days, he has demonstrated greater concern for White House interests in the touchy area of the Iran-Contra trials, fighting to disbar embarrassing documents, witnesses and even defendants.

In the matter of Inslaw, White House views are not known. A case of computer software developed by a family firm that claims the software was pirated by friends of former Attorney General Edwin Meese and sold around the world, it is dragging slowly through the courts, beset by recusing judges and recanting witnesses. Thornburgh is displaying extraordinary solicitude for a predecessor, and contempt for the plaintiffs.

In a 1989 letter to Chairman Brooks, Thornburgh wrote of Nancy and Bill Hamilton — he is the inventor of the software, she is the vice president of the bankrupt firm — that "they spin these tales of conspiracy theories and proffer them to whoever will listen."

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But some people have listened. In Canada, where the disputed software is being used by the Royal Canadian Mounted Police, Inslaw is big news. The most inconvenient aspect of the case has been the retention by the Hamiltons of former Attorney General Elliot Richardson, whose presence guarantees press attention to the proceedings.

A man who is running for the Senate would certainly not want quotes from Richardson being used by his opponent. The last time Richardson went to court, he said in a manner calculated to make a candidate's flesh crawl, "I am not prepared to charge the government with obstruction of justice" — which meant, of course, that he is prepared to do so. From him, such a charge could be damaging.

Inslaw seems on the surface to be a particularly nasty contract dispute, but it has tentacles that reach into alarming places like the Iran-Contra scandal and the delayed hostage return.

The question is whether Thornburgh understood the implications and so behaved as he did for so long, or whether he simply ignored the case out of a reluctance to take hold of a slimy mess.

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